

PTO/SB/26 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.**TERMINAL DISCLAIMER TO OBLVIAE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**Docket Number (Optional)  
2000.083400/TT4501

In re Application of: Sonderman et al.

Application No.: 10/023,119

Filed: December 18, 2001

For: METHOD AND APPARATUS FOR DETERMINING A SAMPLING PLAN BASED ON PROCESS AND EQUIPMENT STATE INFORMATION

The owner\*, Advanced Micro Devices, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,450,955. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record:



Mark W. Sincelli, Reg. No. 52,226

June 10, 2004  
Date

(713) 934-4052

Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) to be charged to Advanced Micro Devices, Inc. Deposit Account No. 01-0365/TT4501. In the event the monies in that account are insufficient, the Director is authorized to withdraw funds from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/2000.083400.

\*Statement under 37 CFR 3.7(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/66 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.331. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. This collection will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SFMD TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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NO. 840

D08

JUN 10 2004

**OFFICIAL** PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

THOMAS J. SONDERMAN ET AL

Serial No.: 10/023,119

Filed: DECEMBER 18, 2001

For: METHOD AND APPARATUS FOR  
DETERMINING A SAMPLING PLAN  
BASED ON PROCESS AND  
EQUIPMENT STATE INFORMATION

Group Art Unit: 1763

Examiner: G. Goudreau

Atty. Dkt. No.: 2000.083400

**DECLARATION UNDER 37 C.F.R. § 1.131 OF MARK W. SINCELL**

1. My name is Mark W. Sincell. I am a patent agent with the firm of Williams, Morgan & Amerson. I have personal knowledge of the facts stated herein.

2. On June 1, 2001, a request from AMD's legal department to prepare a United States patent application for the invention described in invention disclosure form number TT4501 was received. See Exhibit A. The invention disclosure form is signed by Thomas A. Sonderman, Alexander J. Pasadyn, and Christopher A. Bode, and it is dated February 12, 2001.

3. At some point after June 1, 2001, Scott F. Diring (formerly a patent attorney with the firm of Williams, Morgan & Amerson), began preparing the patent application for the invention described in the invention disclosure form.

4. On December 13, 2001, Scott F. Diring sent a copy of the application along with formal papers (assignment, declaration and power of attorney) to AMD for review and the possible execution of the formal papers by the inventor. See Exhibit B.

5. The formal papers for the application were signed on December 17, 2001 by inventors Sonderman, Pasadyn, and Bode. The application was filed with the United States Patent and Trademark Office on December 19, 2001.

6. I understand that willful false statements and the like so made are punishable by fine or imprisonment, or both, and may jeopardize the validity of the application or any patent issuing thereon.

7. I declare under penalty of perjury that the foregoing is true and correct.

Date: 6/10/04

Mark W. Sincell  
Mark W. Sincell

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

THOMAS J. SONDERMAN ET AL

Serial No.: 10/023,119

Filed: DECEMBER 18, 2001

For: METHOD AND APPARATUS FOR  
DETERMINING A SAMPLING PLAN  
BASED ON PROCESS AND  
EQUIPMENT STATE INFORMATION

Group Art Unit: 1763

Examiner: G. Goudreau

Atty. Dkt. No.: 2000.083400

DECLARATION UNDER 37 C.F.R. § 1.131 OF CHRISTOPHER A. BODE

1. My name is Christopher A. Bode. I have personal knowledge of the facts stated herein.

2. I am currently employed with Advanced Micro Devices, Inc. in Austin, Texas. I am a named inventor on application Serial No. 10/023,119 entitled "Method and Apparatus for Determining a Sampling Plan Based on Process and Equipment State Information."

3. Attached as Exhibit A is a copy of the invention disclosure form I prepared in Austin, Texas for the invention described in the above-referenced patent application. I prepared and signed the invention disclosure form on February 12, 2001, as indicated by the date adjacent my signature.

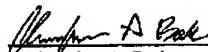
4. The attached invention disclosure form was provided with internal tracking number TT4501 by AMD's legal department, and it was sent to the law firm of Williams, Morgan & Amerson on or about May 31, 2001, with a request to prepare a United States patent application for the invention disclosed in the invention form.

5. I understand that willful false statements and the like so made are punishable by fine or imprisonment, or both, and may jeopardize the validity of the application or any patent issuing thereon.

6. I declare under penalty of perjury that the foregoing is true and correct.

JUNE 10, 2004

Date

  
Christopher A. Bode

**EXHIBIT 'A'**

**INVENTION DISCLOSURE**

31MY2001



5204 E. Ben White Blvd.  
Austin, TX 78741  
Tel (512) 385-8542

J. MIKE AMERSON  
WILLIAMS, MORGAN & AMERSON  
7676 HILLMONT, SUITE 250  
HOUSTON, TX 77040

RECEIVED

RE: Invention Disclosure TT4501

2000.083400

JUN 01 2001

WILLIAMS, MORGAN &amp; AMERSON

Entitled:  
ADAPTIVE DATA RATE SAMPLING ALGORITHM BASED ON PROCESS AND  
EQUIPMENT STATE INFORMATION

Dear J. MIKE AMERSON:

AMD requests that you prepare a patent application to cover the subject Invention Disclosure. A copy of the Invention Disclosure is enclosed. Please file the application in the USPTO within three months of this letter.

We would like you to prepare the patent application in PCT international application format. That should enable you to simply remove reference signs in the claims and abstract before you file it as the U.S. application. The diskette you send us should contain both U.S. and PCT versions.

While preparing the application, you should follow the requirements set forth in PCT Rule 11 as well as PCT Rules 5 through 10. You should also file formal drawings in the USPTO using PCT format within four months of filing the U.S. application. Please send a copy of the filed formal drawings to AMD Technology Law Department.

Please note that the foregoing is consistent with, and hence, please follow the instructions set forth in AMD's DIRECTIONS TO OUTSIDE COUNSEL REGARDING PREPARATION AND PROSECUTION OF PATENT APPLICATIONS Version 1.0 dated May 1, 1996 as they have been updated from time to time.

In addition, as you have been previously advised, each national patent application shall be filed with a Rule 213 non-publication request and certification and shall include a statement that applicant may rescind the non-publication request at any time.

If you have any questions or need additional information, please call me at 512-602-5964, or the responsible AMD Technology Law Attorney, PAUL S. DRAKE at 512-602-2103.

Sincerely,

Samantha Cardona  
Paralegal  
Technology Law Department

Enclosure

cc:

SONDERMAN, TOM #063428  
PASADYN, ALEXANDER JAMES #69747  
BODE, CHRISTOPHER A. #69129

6f2c.

A46  
A**AMD INVENTION DISCLOSURE**

FILED 10/11/01 TT 4501

Rec'd date

California x42110, return to MS68.

Texas x55964 return to MS362,

Dresden x83401 Silke Kreuzschnar at MS E21-PP.

Project:  Product:  Process:  Technology  to which the invention applies (*identify*):

List 2 to 5 key words useful to search by to find patents or art related to this invention:

Working title of invention: Adaptive Data Link Sampling Algorithm based on Process equipment State Information

Inventor's signature: [Signature] date: 2/12/01Inventor's printed full name: Thomas J. Sommernar Citizenship: \_\_\_\_\_Employee #: \_\_\_\_\_ Extension: 54288 Mail stop: \_\_\_\_\_ Home telephone: ( ) \_\_\_\_\_

AMD email address: \_\_\_\_\_ AMD office FAX: ( ) \_\_\_\_\_

Division: \_\_\_\_\_ Directorate: \_\_\_\_\_ Dept #: \_\_\_\_\_ Dept : \_\_\_\_\_ Manager: \_\_\_\_\_

Residence address: \_\_\_\_\_

Post Office address: \_\_\_\_\_

Co-Inventor's signature: Alex Pandya date: 2/12/2001Co-Inventor's printed full name: Alexander J. Pandya Citizenship: \_\_\_\_\_Employee #: 64747 Extension: x53771 Mail stop: \_\_\_\_\_ Home telephone: ( ) \_\_\_\_\_

AMD email address: \_\_\_\_\_ AMD office FAX: ( ) \_\_\_\_\_

Division: \_\_\_\_\_ Directorate: \_\_\_\_\_ Dept #: \_\_\_\_\_ Dept : \_\_\_\_\_ Manager: \_\_\_\_\_

Residence address: \_\_\_\_\_

Post Office address: \_\_\_\_\_

Co-Inventor's signature: Christopher A. Bode date: 02/14/01Co-Inventor's printed full name: Christopher A. Bode Citizenship: \_\_\_\_\_Employee #: \_\_\_\_\_ Extension: 54379 Mail stop: \_\_\_\_\_ Home telephone: ( ) \_\_\_\_\_

AMD email address: \_\_\_\_\_ AMD office FAX: ( ) \_\_\_\_\_

Division: \_\_\_\_\_ Directorate: \_\_\_\_\_ Dept #: \_\_\_\_\_ Dept : \_\_\_\_\_ Manager: \_\_\_\_\_

Residence address: \_\_\_\_\_

Post Office address: \_\_\_\_\_

List on additional sheet if there are more co-inventors and list total number of inventors here: \_\_\_\_\_

Name(s) of attorney(s) preferred by inventor(s) to prepare patent application, if known: \_\_\_\_\_

Identify known relevant art (patents, publications, products): \_\_\_\_\_

Witness 1 initial: \_\_\_\_\_ Witness 2 initial: \_\_\_\_\_

and invention disclosed: 06/10/2004 12:20:12 PM (Eastern Daylight Time) \* SVR:USPTO-EFXRF-1/2 \* DNI:8729306 \* CSID:7139347011 \* DURATION (mm:ss):1044

AMD CONFIDENTIAL

Page 1

**AMD INVENTION DISCLOSURE**

ILED ID#

Rec'd date:

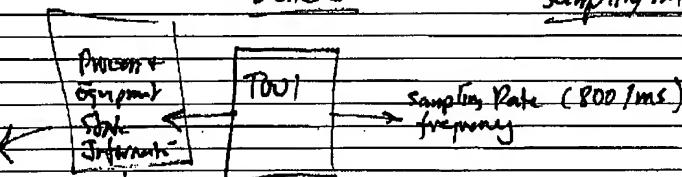
California x42110, return to MS58,

Texas x55964 return to MS562,

Dresden x83401 Silke Kretzschmar at MS E21-PP.

State the problem solved by this invention: Define optional sample rate for given tool condition thereby minimizing the amount of data required for storage.

Brief description and/or sketch of invention (please attach copies of AMD patent notebook pages, reports or drawings):

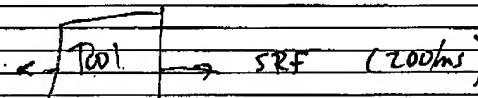
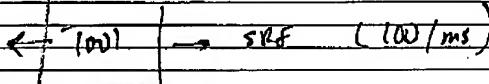
State 1sampling rateState 2

Sampling rate  
by determining

using logic or  
fuzzy logic or  
qualification

transfer  
functions

process description

State 3

Patent notebook # \_\_\_\_\_ Page numbers \_\_\_\_\_ Number of drawings \_\_\_\_\_

Witness 1 initial: \_\_\_\_\_ Witness 2 initial: \_\_\_\_\_

and invention disclosure ID 7/11/05 printed 2/01/06 28 AM pg 1 rev 6/2000

**AMD CONFIDENTIAL**

Page 2

**AMD INVENTION DISCLOSURE**

TLD ID#

Rec'd date:

California x42110, return to MS68,

Texas x53964 return to MS62,

Dresden x83401 Silke Kretzschmar at MS E21-PP.

## Advantages (check all that apply):

<input type="checkbox"/> avoids existing patent(s)	<input type="checkbox"/> improves precision	<input type="checkbox"/> simplifies manufacturing
<input type="checkbox"/> new function	<input type="checkbox"/> improves accuracy	<input type="checkbox"/> improves wear characteristic
<input type="checkbox"/> improves density	<input type="checkbox"/> improves efficiency	<input type="checkbox"/> improves signal to noise ratio
<input type="checkbox"/> increases operating speed	<input type="checkbox"/> fewer component parts	<input type="checkbox"/>
<input type="checkbox"/> improves reliability	<input type="checkbox"/> reduces cost of manufacturing	<input type="checkbox"/>

## Discussion of advantage of the invention over other solutions

(emphasize technical advance in the art as measured against known art):

First written description* of invention, date:	First external disclosure to (name):
Date of first drawing*:	Date of first external disclosure, none <input type="checkbox"/>
Date invention first reduced to practice:	External disclosure under NDA* No <input type="checkbox"/> Yes <input type="checkbox"/>
Made by (name):	First external disclosure or use by: presentation <input type="checkbox"/>
Tested by (name):	announcement <input type="checkbox"/> , sample <input type="checkbox"/> , sale <input type="checkbox"/> , other <input type="checkbox"/>
Date of first computer simulation:	Date of Non-Disclosure Agreement*, if any:
Date of first successful test:	Date of first publication*:
any of above occurred outside of USA <input type="checkbox"/>	Publication name:
* attach copy if possible	Date of first commercial use:

Does plan exist to publish, disclose or sell? If so, where and when?

Was invention conceived, constructed or tested pursuant to the performance under a development contract with another company: No , Yes  If yes, company name \_\_\_\_\_

If yes, name of AMD business contact and contract no. \_\_\_\_\_

Was invention jointly developed with participation of inventors from outside AMD: No , Yes 

If yes, Company name \_\_\_\_\_

I have read and understood this disclosure and read and signed each page of the attachments:

Witness 1 signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed name: \_\_\_\_\_ Employee #: \_\_\_\_\_Witness 2 signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed name: \_\_\_\_\_ Employee #: \_\_\_\_\_

After completing to this point, deliver to department reviewer: date delivered \_\_\_\_\_

Witness 1 initial: \_\_\_\_\_ Witness 2 initial: \_\_\_\_\_

and invention disclosure TLD ID#840 received 2000 8:28 A.M. page rev 6/20/00

AMD CONFIDENTIAL

Page 3

**AMD INVENTION DISCLOSURE**

TLD ID#:

Rec'd date \_\_\_\_\_

California x42110, return to MS69.

Texas x55964 return to MS562.

Dresden x83401 Silke Kretzschmar at MS E21-PP.

**DISCLOSURE EVALUATION (Entries from this point on are by the Reviewer)**

Does this invention add value to the AMD intellectual property portfolio? Yes , No   
 Explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Do you know of any relevant art? Yes , No  If yes, attach a copy and explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

What application(s) do you foresee for this invention? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I estimate the Value\* of this invention disclosure is A , B , C , D .

\* use worksheet "Valuing Invention Disclosures and Patents".

it is , is not  recommended to AMD for U.S. patent application filing,

it is , is not  recommended to AMD for foreign patent application filing,

it is , is not  recommended to be held as an AMD trade secret,

Give this high priority , normal , low priority , in patent application writing.

**GUIDELINES AND CONSIDERATIONS FOR FOREIGN FILING DECISION**

Filing foreign patent applications is costly. We should choose to do it only when conditions warrant.

**ALL CONDITIONS BELOW MUST APPLY IN ORDER TO INITIATE A FOREIGN FILING:**

- Invention is High-Valued (A, B)\*, and
- Invention is in our technology path (usage), and
- Invention usage is detectable by inspection of product, and
- Invention is relatively hard to design around, and
- Competitor is operating in the country of interest. ( see ca000000.xls tabulation of "Factory Sites outside the USA" )

I recommend filing patent applications in foreign countries checked below:

Japan <input type="checkbox"/>	S.Korea <input type="checkbox"/>	Taiwan <input type="checkbox"/>	U.K. <input type="checkbox"/>	France <input type="checkbox"/>	Germany <input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reviewer's signature: \_\_\_\_\_ Employee #: \_\_\_\_\_ Date: \_\_\_\_\_

Reviewer's printed name: \_\_\_\_\_

[If foreign filing is checked, route to Dip. VP for signature.]

VP or Designate approves foreign filing (signature) \_\_\_\_\_

Reviewer: Complete this page and send disclosures to TLD for patent application filing.

**EXHIBIT 'B'**

**TRANSMITTAL LETTER TO INVENTORS  
REGARDING FORMALS**

# WILLIAMS, MORGAN & AMERSON, P.C.

7678 HILLCREST, SUITE 250, HOUSTON, TX 77040  
(713) 634-7000 FAX (713) 634-7011

Danny L. Williams  
Terry D. Morgan  
J. Mike Amerson  
Kenneth D. Goodman  
Jeffrey A. Pyle  
Jaeson John  
Bradley A. Misley  
Ruben Brains

Scott F. Diring\*  
George J. Oehling\*  
Shelley P.M. Fussey, Ph.D.\*  
Mark D. Moore, Ph.D.\*  
Louis H. Iselin, Ph.D.\*  
Raymond F. Eich, Ph.D.\*  
Thomas H. Bolvin, Jr.\*  
Daren C. Davis\*  
Stephanie A. Wardwell, Ph.D.\*

\*Patent Agent

December 13, 2001

FILE: 2000.083400

WRITER'S DIRECT DIAL:  
608-833-0748

Alexander J. Pasadyn  
Thomas J. Sonderman  
Christopher A. Bode  
AMD, Inc.  
5204 E. Ben White Blvd.  
Mailstop 568  
Austin, TX 78741

**RE: U.S. Patent Application Entitled "METHOD AND APPARATUS FOR  
DETERMINING A SAMPLING PLAN BASED ON PROCESS AND  
EQUIPMENT STATE INFORMATION"**

*Inventor(s): Thomas J. Sonderman, Alexander J. Pasadyn; Christopher A. Bode  
Your Reference: TT4501*

Dear Alex:

Enclosed is a patent application for the above-referenced AMD disclosure for review by all of the inventors. Also enclosed are the Declaration, Assignment, and Power of Attorney which should be executed by all of the inventors.

All of the inventors should review the patent specification carefully to ensure its accuracy. If minor corrections or modifications are necessary, mark the changes directly on the application. If extensive modification is necessary, please return the application to me for correction prior to execution of the formal papers.

If the application is ready for filing with the U.S. Patent and Trademark Office, all of the inventors should read the Declaration, Assignment, and Power of Attorney carefully to ensure that they understand them and then sign and date the documents in the appropriate places.

**WILLIAMS, MORGAN & AMERSON, P.C.**

December 13, 2001

Page 2

indicated by the tags. Please note, the signatures on the U.S. Assignment need to be notarized. Additionally, please be sure your home addresses on the second page of the Declaration are correct. Also enclosed for execution are an Oath and Declaration to be used in Taiwan.

Please return the application, as well as the executed documents, at your earliest convenience, for filing in the U.S. Patent and Trademark Office.

**I. INFORMATION DISCLOSURE STATEMENT**

A duty of candor and good faith toward the Patent Office rests on the inventors and on every other individual who is substantively involved in the preparation or prosecution of a patent application. All such individuals have a duty to disclose to the Office known information that may be material to the patentability of a pending claim. Such information is material to patentability when: (1) it establishes, by itself or in combination with other information, a *prima facie* case of unpatentability; or (2) it refutes, or is inconsistent with a position the applicant takes in (a) opposing an argument of unpatentability relied on by the patent examiner, or (b) asserting an argument of patentability.

An Information Disclosure Statement should therefore be filed in the Patent Office within about three months of the filing date of the patent application to comply with this duty of disclosure, listing material publications or pertinent information of which you are aware. This includes:

- (a) products or services in public use or on sale in this country prior to your U.S. filing date;
- (b) all related material (including international patent applications) published in this country or a foreign country prior to your U.S. filing date;
- (c) any related U.S. patents; and
- (d) any pertinent applications published prior to your filing date.

We request that you supply us with copies of all material prior art references of which you are aware and any other information which should be disclosed to the Patent Office. We would like to file the Information Disclosure Statement within 3 months of the filing date, so we need you to supply the copies to us about a month prior to that time. Please feel free to call me if you have any questions as to what should be included.

**II. CONTINUING DUTY OF CANDOR**

We would like to emphasize that the duty of candor does not cease once the Information Disclosure Statement has been filed. The duty remains throughout examination of the patent application. Therefore, if any additional information of relevance comes to your attention during

WILLIAMS, MORGAN & AMERSON, P.C.

December 13, 2001

Page 3

examination of this patent application, it is important that you advise us immediately so that such information can be submitted to the Patent Office.

Furthermore, for as long as any patent that may be granted on this patent application is of value to you, we recommend that you keep us advised of any relevant information that comes to light. We can then consider such and advise on options such as limiting the claims to avoid such prior art by filing an application for a reissue patent or an application for reexamination.

If you have any questions, please call or fax me at your convenience.

Regards,

*Scott F. Diring/fm*  
Scott F. Diring  
Patent Agent

SFD/ln

Encl: Application w/ formal papers  
Inventor's award certificates

cc: Paul S. Drake, Esq. (w/o encl.)  
Shawn Smith, Docketing